

The Honorable Tana Lin

UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON

IMMERSION CORPORATION,

Plaintiff,

v.

VALVE CORPORATION,

Defendant.

Case No. 2:23-cv-00712-TL

**DECLARATION OF GAVIN SKOK IN
SUPPORT OF MOTION TO VACATE
INITIAL DEADLINES**

I, Gavin Skok, declare as follows:

1. I am one of the attorneys representing Defendant Valve Corporation (“Valve”) in the above-captioned matter. I am over the age of 18 and am competent to testify about the matters set forth herein. I make this declaration based on personal knowledge.

2. On June 9, 2023, the Initial Scheduling Order (Dkt. #24) set deadlines for the parties to conduct a FRCP 26(f) conference (July 7, 2023) and exchange FRCP 26(a) initial disclosures (July 21, 2023) that occurred before the deadline for Valve to respond to the Complaint (July 24, 2023), with the joint status report being due shortly afterward before resolution of any motions on the pleadings or a response to any counterclaim. Accordingly, on June 12, 2023 I reached out to Immersion’s counsel by email to propose that the parties submit a joint request to vacate the deadlines in the Initial Scheduling Order in light of the recent

1 extension of time for Valve to respond to the Complaint, and suggest the parties ask the court
2 to reset those deadlines at a later date once it was clear how Valve responded to the Complaint
3 (by answer, by motion, counterclaims, etc.). Immersion's counsel (Stefan Szpajda) responded
4 that "we're fine with this in concept" and invited Valve to propose a stipulation in connection
5 with the parties' negotiation of a protective order to clarify the specifics. A true and correct
6 copy of the June 12-13, 2023 emails between me and Immersion's counsel is attached hereto as
7 Exhibit A.

8 3. Valve understood from that email exchange that the parties were in agreement
9 on vacating the deadlines, so I sent a proposed stipulated motion to vacate to Immersion's
10 counsel on June 23, 2023, for their review and finalizing. Immersion's counsel did not oppose
11 the stipulated motion or vacating the initial deadlines at that time or raise or oppose it during a
12 June 27, 2023 meet and confer between the parties regarding various issues.

13 4. I spoke with Immersion's counsel (Stefan Szpajda) by telephone on in a July 3,
14 2023 telephone call about various issues. During that conference, Immersion's counsel told me
15 that notwithstanding the prior exchanges, Immersion now declined to stipulate to vacate the
16 initial case schedule deadlines. Immersion's counsel suggested Immersion might be open to
17 some brief extension of deadlines but Immersion gave no details and made no proposal. Nor
18 would Immersion agree to a courtesy extension of the deadlines for sufficient time to resolve
19 this Motion.

20 I declare under penalty of perjury under the laws of the State of Washington that the
21 foregoing is true and correct.

22 DATED this 3rd day of July, 2023.

23
24 /s/ Gavin Skok
25 Gavin Skok
26

CERTIFICATE OF SERVICE

I certify that I am a secretary at the law firm of Fox Rothschild LLP in Seattle, Washington. I am a U.S. citizen over the age of eighteen years and not a party to the within cause. On the date shown below, I caused to be served a true and correct copy of the foregoing on counsel of record for all other parties to this action as indicated below:

<u>Service List</u>	
Stefan Szpajda, WSBA #50106 Cristofer Leffler, WSBA #35020 Sam Kim Palani P. Rathinasamy C. Maclain Wells Davis Schumann Alexandra Olwen Fellowes FOLIO LAW GROUP PLLC 1200 Westlake Ave. N., Ste. 809 Seattle, WA 98109 Ph. 206-880-1802 stefan@foliolaw.com cres.leffler@foliolaw.com sam.kim@foliolaw.com palani@foliolaw.com maclain@foliolaw.com david.schumann@foliolaw.com Alexandra.fellowes@foliolaw.com <i>Attorneys for Plaintiff</i>	<input type="checkbox"/> Via US Mail <input type="checkbox"/> Via Messenger <input checked="" type="checkbox"/> Via CM/ECF / Email <input type="checkbox"/> Via over-night delivery

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED this 3rd day of July, 2023, in Seattle, Washington.

/s/ Veronica Magda
 Veronica Magda

EXHIBIT A

Magda, Veronica

Subject: FW: Valve call

From: Stefan Szpajda <stefan@foliolaw.com>
Sent: June 13, 2023 3:06 PM
To: Skok, Gavin W. <gskok@foxrothschild.com>
Cc: Cris Leffler <cris.leffler@foliolaw.com>
Subject: [EXT] RE: Valve call

Thanks. I'm not sure exactly what you mean by "once next steps are more clear," but we're fine with this in concept. Once we have the PO on file, please send across a proposal and we'll revert with any comments we have after we see exactly what you have in mind.

From: Skok, Gavin W. <gskok@foxrothschild.com>
Sent: Monday, June 12, 2023 3:12 PM
To: Stefan Szpajda <stefan@foliolaw.com>
Cc: Cris Leffler <cris.leffler@foliolaw.com>
Subject: RE: Valve call

[EXTERNAL] This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Stefan –

I appreciate you checking in. We are working on the protective order. Separately, we received an administrative order on Friday setting the deadlines for the 26(f) conference and 26(a) disclosures before the deadline to respond to the complaint and the JSR shortly after that deadline. I expect this was sent by the deputy not realizing that Judge Lin had just extended the time to respond to the complaint. I suggest we submit a joint request to strike those deadlines, to be reset later once next steps are more clear. Does Immersion agree? If so, I can put together a short joint request.

Many thanks,
Gavin